IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.390 OF 2001

Sitaram Laxman Purav & Anr. ...Appellants

vs.

Mahendra Sudan Thakur & Ors. ...Respondents

CORAM: A.S.OKA,J.
DATE : FEBRUARY 23, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. Shri Subnis submitted that by virtue of Section 60 of the Easements Act, the licence granted to the Appellants was irrevocable. He submitted that inspite of specific plea being taken the said aspect is not considered by the Courts below.

2. In the Trial Court issue on the basis of the said plea is not framed. There is no grievance in the Memorandum of Appeal before the District Court regarding non framing of issue or non consideration of the said contention.

3. From the Judgment of the Appellate Court it appears that the said contention was not raised before the Appellate Court. The said contention cannot be canvassed for the first time in the Second Appeal. No substantial question of law arises in the Second Appeal. Second Appeal is dismissed with no order as to costs.

JUDGE.